

1 COLLEEN BAL (S.B. # 167637)
JOHN L. SLAFSKY (S.B. # 195513)
2 MAURA L. REES (S.B. # 191698)
CHARLES T. GRAVES, (S.B. # 197923)
3 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
4 650 Page Mill Road
Palo Alto, CA 94304-1050
5 Telephone: (650) 493-9300
Facsimile: (650) 493-6811
6 cbal@wsgr.com
jslafsky@wsgr.com
7 mrees@wsgr.com
tgraves@wsgr.com
8

9 Attorneys for Plaintiff
SHAKLEE CORPORATION

10 DARIN W. SNYDER (S.B. # 136003)
DAVID R. EBERHART (S.B. # 195474)
11 RYAN J. PADDEN (S.B. # 204515)
DAVID J. SEPANIK (S.B. # 221527)
12 O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
13 San Francisco, CA 94111-3823
Telephone: (415) 984-8700
14 Facsimile: (415) 984-8701
dsnyder@omm.com
15 deberhart@omm.com
rpadden@omm.com
16 dsepanik@omm.com

17 Attorneys for Defendants
HARPERCOLLINS PUBLISHERS LLC and
18 CYNTHIA SASS

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 SHAKLEE CORPORATION,)
23)
Plaintiff,)
24)
v.)
25)
HARPERCOLLINS PUBLISHERS LLC, a)
26 Delaware Corporation, and CYNTHIA SASS, an)
individual,)
27)
Defendant.)
28)

CASE NO.: 11-00144-PSG

**STIPULATION AND [XXXXXXXXXXXXX
ORDER CONTINUING HEARING
DATE ON PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

1 WHEREAS, Plaintiff's Motion for Preliminary Injunction is currently set for hearing at
2 10:00 a.m. on February 15, 2011 before the Honorable Paul S. Grewal;

3 WHEREAS, the parties are presently engaged in settlement discussions which may moot
4 the hearing and potentially resolve this litigation;

5 ACCORDINGLY, in order to ease the burden on the parties and this Court,
6 IT IS HEREBY STIPULATED AND AGREED that:

7 1. The parties have stipulated, and hereby respectfully request, that the Court continue
8 the February 15, 2011 hearing to February 22, 2011, or as soon thereafter as the motion may be
9 heard by the Court; and

10 2. The parties have stipulated that Defendants shall not use this stipulated continuance in
11 any way, including to argue that Plaintiff has delayed in pursuing relief or that there is evidence
12 of a lack of imminent harm.

13 Dated: February 12, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

15 By: /s/ Charles T. Graves
Charles T. Graves

16 Attorneys for Plaintiff
17 SHAKLEE CORPORATION

18 Dated: February 12, 2011

O'MELVENY & MYERS LLP

20 By: /s/ Darin W. Snyder
Darin W. Snyder

21 Attorneys for Defendants
22 HARPERCOLLINS PUBLISHERS LLC and
23 CYNTHIA SASS

24 PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on Plaintiff's Motion for
25 Preliminary Injunction shall be continued to February 28, 2011, at 10AM.

27 DATED: February 14, 2011

Paul S. Grewal

The Honorable Paul S. Grewal

DECLARATION OF CONSENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to General Order 45, the undersigned certifies that concurrence in the filing of this document was obtained from the other signatory.

Dated: February 12, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Charles T. Graves
Charles T. Graves

Attorneys for Plaintiff
SHAKLEE CORPORATION

